

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MELVIN JOHNSON, )  
                        )  
Petitioner,         )  
                        )  
v.                    )      Case No. 4:02CV1021 RWS  
                        )  
DAVE DORMIRE,     )  
                        )  
Respondent.        )

**MEMORANDUM AND ORDER**

This matter is before me on Melvin Johnson's motion to reconsider the denial of his petition for Writ of Habeas Corpus under 28 U.S.C. § 2254. The motion is without merit and will be denied.

Johnson's writ of habeas corpus was denied because, first, it was filed outside of the one-year statute of limitations in 28 U.S.C. § 2244(d), second, even if it had been timely filed, Johnson's claims were procedurally defaulted, and, third, even if they were not procedurally defaulted, Johnson's claims failed on the merits. Johnson now asks that I consider evidence that he mailed his petition of habeas corpus within the one-year statute of limitations. He asks that I therefore examine the merits of his grounds for relief.

Johnson's motion for reconsideration fails because the Court found that his claims were both procedurally defaulted and that they failed on the merits. As a

result, I will deny the motion.

**IT IS HEREBY ORDERED** that Melvin Johnson's motion to reconsider  
[#17] is **DENIED**.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 17th day of October, 2005.